

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALFRED CLARK,

Plaintiff

v.

NEW CENTURY MORTGAGE
COMPANY, et al.,

Defendants

Case No.: 2:18-cv-02241-APG-BNW

**Order (1) Denying Motion to Reconsider
Expungement of Lis Pendens, and
(2) Granting Motion for Attorney's Fees**

[ECF Nos. 53, 54]

I previously ordered that the notice of lis pendens that plaintiff Alfred Clark recorded against the subject property be expunged. No. 52. Clark now moves for reconsideration of that order, claiming he did not oppose the defendants' motion to expunge because he did not receive it. ECF No. 53. That seems improbable given that he seems to have received every other filing in this case. And after the defendants filed their notice of non-opposition (ECF No. 51) and I filed my order, Clark did not reach out to the defendants' counsel inquiring about the motion to expunge.

More importantly, Clark has not shown any right to maintain his lis pendens. I dismissed this action on September 10, 2019. ECF No. 31. Because no lawsuit is pending, I must cancel the lis pendens. Nev. Rev. Stat. § 14.015(3, 5). In his several recent filings, Clark still has not demonstrated any legal or factual right to keep his lis pendens on the County records.

I also previously granted the U.S. Bank defendants'¹ request for an award of their attorneys' fees and ordered them to file a brief detailing the fees they incurred. ECF No. 52. The

¹ "The U.S. Bank defendants" refers to defendants U.S. Bank National Association, as Trustee for MASTR Asset Backed Securities Trust 2006-HE5 Mortgage Pass-Through Certificates, Series 2006-HE5; Western Progressive – Nevada, Inc.; and Ocwen Loan Servicing, LLC.

1 defendants' brief (ECF No. 54) complies with Federal Rule of Civil Procedure 54(d)(2)(B) and
2 Local Rule 54-14 and satisfies the factors set out in *Brunzell v. Golden Gate National Bank*, 455
3 P.2d 31, 33 (Nev. 1969) and *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975).
4 The rates charged and time spent on the various tasks are reasonable in this market. I grant the
5 motion and award the U.S. Bank defendants \$2,792.50 in attorney's fees.

6 I THEREFORE ORDER that the plaintiff's motion to reconsider (ECF No. 53) is
7 **denied**.

8 I FURTHER ORDER that the defendants' motion for attorney's fees (ECF No. 54) is
9 **granted**. The clerk of court is instructed to enter judgment in favor of defendants U.S. Bank
10 National Association, as Trustee for MASTR Asset Backed Securities Trust 2006-HE5 Mortgage
11 Pass-Through Certificates, Series 2006-HE5; Western Progressive – Nevada, Inc.; and Ocwen
12 Loan Servicing, LLC, and against plaintiff Alfred Clark in the amount of \$2,792.50.

13 I FURTHER ORDER the clerk of court to close this case.

14 DATED this 12th day of May, 2025.

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18 ANDREW P. GORDON
19 CHIEF UNITED STATES DISTRICT JUDGE
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